

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:09-cr-00039-FDW

THIS MATTER is before the Court on Defendant's pro se Motion for Compassionate Release/Reduction of Sentence (Doc. No. 889). Also before the Court are Defendant's pro se Motion to Appoint Counsel (Doc. No. 874), pro se Motion to Appoint Counsel and Reduce Sentence Pursuant to the First Step Act (Doc. No. 876), and pro se Motion to Reduce Sentence (Doc. No. 884).

The Court hereby ORDERS the Government to respond to Defendant's Motion for Compassionate Release/Reduction of Sentence (Doc. No. 889), Motion to Appoint Counsel and Reduce Sentence Pursuant to the First Step Act (Doc. No. 876), and Motion to Reduce Sentence (Doc. No. 884). The Government shall have **thirty (30) days** from the date of this Order to file its response with the Court. The Government shall advise the United States Probation Office if the Government believes a supplemental Presentence Investigation Report will be required.

With respect to the Motions to Appoint Counsel, (Doc. Nos. 874, 876), criminal defendants have no right to counsel beyond their first appeal. E.g., United States v. Kenny, No. 3:01-cr-00185-FDW, 2020 WL 2094116, at \*1 (W.D.N.C. Apr. 30, 2020); United States v. Ismel, No. 3:94-CR-00008-1, 2012 WL 113392, at \*1 (W.D. Va. Jan. 13, 2012). Defendant has not shown extraordinary circumstances warranting the appointment of counsel at this time.

IT IS, THEREFORE, ORDERED:

1. The Government shall respond to the motions described above within thirty (30) days of the date of this Order;
2. Defendant's pro se Motion to Appoint Counsel (Doc. No. 874) is DENIED;
3. Defendant's pro se Motion to Appoint Counsel and Motion to Reduce Sentence Pursuant to the First Step Act (Doc. No. 876) is DENIED IN PART and DEFERRED IN PART; and
4. The Court shall DEFER ruling on all remaining motions until the Government has submitted its response.

IT IS SO ORDERED.

Signed: June 29, 2020



Frank D. Whitney  
United States District Judge

